

Effectiveness of Whistleblowing - Before & After the Digital Age:
An analysis of the impact of whistleblowing on democracies

MPP Professional Paper

In Partial Fulfillment of the Master of Public Policy or Master of Public Affairs
Degree Requirements
The Hubert H. Humphrey School of Public Affairs
The University of Minnesota

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May 16th, 2014

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"Let the eyes of vigilance never be closed" (Thomas Jefferson, 1821)

INTRODUCTION

The goal of this paper is to assess the effectiveness of whistleblowers before and after the digital age. In order to define 'effectiveness' for whistleblowing acts, I would form a hypothesis about the short and long run implications of leaks on democracies. I would then test my hypothesis on five cases studies from different democracies at different periods of time. Afterwards, I will compare all case studies according to specific criteria and conclude what makes whistleblowing effective and how the digital world changes the nature of whistleblowing for good. But first, I will state a clear whistleblowing hypothesis.

Disclosures of sensitive classified information happen in democracies throughout the history. Sensitive classified information is defined as information related to fundamental security and foreign policy principles of the sovereign nation. In this paper I will explore the significance of the short and long run consequences of these disclosures. According to my hypothesis, in the short run, since the information deals with critical elements of executive power, the exposed information poses serious risks to security and generates enormous constraints on the ability of states to act. However, in the long run, the exposed information leads to a domestic outcry against the government, and thus, increases transparency among states' institutions, facilitates public debates on freedom of speech, and considerably contributes to the never ending process of democratization. Therefore, exposed classified information suggests fast pace transition within democracies at a relatively high cost.

According to my hypothesis, disclosures of classified information shorten the process of strengthening democratic values, while placing the democracy and its citizens in a serious risk. Indeed, analyses of democracies and democratization processes are challenging. There is much more in democracies than transparency, freedom of speech, and institutions. However, by narrowing the focus on these values, we can generate clear theoretical predictions amenable to empirical research. Furthermore, these specific democratic values may act as proxies for broader concepts. The presence of freedom of speech and increased transparency may serve as a proxy for an effective public discourse or the presence of a variety of ideas regarding future public policies. Additionally, stronger democratic institutions can improve the oversight capabilities of the public and deter public representatives or government officials from violating democratic principles in general.

Democracies are always in the process of 'democratization'. This ongoing practice assumes that democracy is always unfinished, open-ended, and up for maintenance and repair¹. Looking back at democracies throughout the history, we witness a constant increase in their democratic values as they become more transparent and establish stronger government institutions. At the same time, the appropriate balance between transparency and secrecy still awaits. According to my hypothesis, exposed classified information serves as a costly catalyst for this dynamic process.

In this case study analysis, I will try and assess the short and long term consequences of exposed classified information on democracies and their democratization process. The structure of the paper is built in a way that I first discuss the special nature of democracies and how democratization process within a democracy works. I then present the controversial issue of states secrets and conclude that there is a room for improvement. Afterwards, I discuss the overarching phenomenon of the 'hyper-connected' world in today's digital age and present the inevitable tension between democracies, transparency, and a world of increased connectivity. I would weigh the risks that this new world poses against possible benefits to democratization. Then, I evaluate cases from two different democracies - Israel and the United States, at different periods of time – before and after the digital age. These democracies differ in their age, position in the world, history, interests, military capabilities, economies, and concerns. I've specifically chosen cases in which sensitive classified information was exposed. Each case study would be evaluated according to the following criteria: What was exposed, does it follow the definition of sensitive classified information, what were the short and long term effects in the domestic and international levels, and did it affect the democratization process within the country. The implications of the exposed classified information will be assessed in the short and long run. Short run effects are immediate effects, within a year after the disclosures, whereas long run effects are ramifications from the disclosures that happen more, sometimes much more, than one year after the revelations. Following this analysis I will compare between the cases and reach a general conclusion regarding my hypothesis and what makes a leak significant. This would allow me to decide on the effectiveness of whistleblowers both before & after the digital age.

The cases for this paper are:

1. Bus 300 Affair [**pre-digital age**] - A past Israeli-based example of a secret service leak regarding the murder of two captives.
2. The Anat Kamm & Uri Blau Affair [**post-digital age**] - A recent Israeli-based example of classified Israeli Defense Forces (IDF) documents regarding West Bank operations.
3. Daniel Ellsberg's Pentagon Papers [**pre-digital age**] - A past U.S.-based example of a classified Department of Defense (DOD) study that was leaked during the Vietnam War.
4. Manning & WikiLeaks [**post-digital age**] - A recent U.S.-based example of leaked State Department cables and classified DOD war logs.
5. Edward Snowden [**post-digital age**] – NSA Documents.

The cases were chosen in a way that will ensure insights from different periods of time, especially before and after the digital age. It is important to point out how tricky it might be to distinguish between objective and subjective impacts from these case studies. Since these incidents relate to a variety of aspects in the never ending tension between governments, media, and citizens, the mass amount of opinions can potentially blur real impacts and confuse them with desired ones. Therefore, my analysis will be based on undisputable outcomes from each case.

DEMOCRACIES & DEMOCRATIZATION

Democracies pose high demands on their leaders, institutions, media, and public. They are hard to manage and require a great sense of perseverance from all parties to constantly balance each other. This is a never-ending process that is called 'democratization'. In times, this process leads to an increased power for the executive branch. This is an understandable tendency for managing states efficiently. But in other times, this process leads to greater transparency, accountability, public discourse, and stronger institutions. Overall, democratization highlights the role of the individual and the almost impossible reciprocal relations between democracy and transparency.

The democratization process works to a greater extent when democracies experience extreme events that challenge the delicate balance between the different government branches. Wars are good examples of these major events. They question the authority of the leaders, the strength and boundaries of the military, and the role of the media. The Vietnam War is an example of an event that has considerably changed the U.S. democracy. The war has redefined the role of the media during wartimes, questioned the authority of the leaders, raised debates about just and unjust wars, and overall facilitated United States' democratization process. Disclosures of classified information are another type of major events with similar impacts. While these disclosures raise dilemmas for leaders, they do provide openings for democratizationⁱⁱ. One of the main questions in these cases is the possibility of harm. Whistleblowing and radical transparency may unwittingly expose third parties to danger. The leading argument against unauthorized disclosures today is the 'inevitable' damage to national security. However, thus far, in most of the case studies below, no significant evidence of such harm has come to lightⁱⁱⁱ.

The role of the individual within a democracy is also subject to change. Democracies, in comparison to other regime types, allow greater influence of individuals on state affairs. Either by the right to vote, or by the right to publicly express personal opinions, the role of individuals is inherent to the definition of democracies. Our current hyper-connected world takes this one step further and significantly raises the power of individuals and their ability to act. Several scholars from MIT argue that the twentieth century, state-centric, political science theories no longer hold in today's connected world^{iv}.

Overall, the relations between democracies and transparency are extremely dynamic. According to Hollyer, Rosendorff, and Vreeland, 2011, democracies are indeed more transparent. In their empirical study they specifically discuss policy information and conclude that in democracies, the ruling elite will be more willing to disclose this information to promote the welfare of voters and thus ensure its continued survival in the office^v. The work of Dahl (1971) suggests a similar concept – in order for voters to make informed decisions, freedom of speech, assembly, and press is required. Therefore, democracies require free flow of information which is what transparency is all about^{vi}. At the same time, several scholars have argued that democratic governments are shaped in part by the degree of obfuscation they enjoy. Moreover, these governments may even have incentives to promote opacity with respect to their policymaking decisions. Thus, this creates an obvious tension. If democracies

are transparent by definition, then the degree to which governments enjoy and promote obfuscation is simply a measure of their 'non-democraticness'^{vii}.

Therefore, governments have incentives to both restrict and facilitate the flow of information. They adopt a variety of domestic institutions, laws, and procedures – designed to regulate this flow^{viii}. That is why we cannot find a fully transparent political regime, which, simply put, is one that provides or permits accurate information about itself, its operations, and the country as a whole. Relations between democracies and transparency put state secrets and specifically decisions over the classification of these secrets, at the center of the discussion.

STATE SECRETS

State secrets are inevitable. While the old mantra suggests that "information wants to be free", we know that this cannot always be the case, particularly when it comes to government secrets^{ix}. Every U.S. administration throughout the history has recognized the importance of government secrets to national security.

Gabriel Schoenfeld, in his book "Necessary Secrets", discusses the delicate balance in keeping state secrets. According to Schoenfeld, governments try to keep secrets, but the press tries to learn and publish them. Courts are trying to strike the appropriate balance between the public's right to be protected from risky disclosures and the public's right to know. This balance is an essential one in a democracy that must fight its wars with both secrecy and accountability.

There are different kinds of secrets to keep. From on hand, following Schoenfeld's definition, there are "necessary secrets" – name of spies, movement of troops, codes, chippers, locations and etc. From the other, there are "unnecessary secrets" – old and useless information that remains classified by bureaucrats. There is also information kept secret under the title of "national security", but actually its secrecy protects the reputation of government officials. But the most interesting category of secrets are those that are genuinely designed to protect national security in the short run, but whose disclosure may well serve the national interest in the long run.

According to Schoenfeld, the real issue about this third kind of secrets is who should be entrusted to make this real-time decision. Another difficult issue is not whether but when to publish. Indeed, in a democracy there should be no permanent secrets. The public has the right to know everything its government has done in its name. But sometimes it is necessary to postpone publication until an immediate danger has passed, since in the modern world, there is no way of disclosing secrets to allies without also disclosing them to the enemy. Two examples of the importance of timing in disclosing secrets are the Pentagon Papers and the NSA programs designed to tap al-Qaeda's satellite-based phone cells. The former case was legit since it dealt with past mistakes leading to a controversial war^x. The latter was wrong since the disclosure of the NSA program has caused al-Qaeda to change its methods of

communication. Whistleblowers in that sense can be considered as facilitators of democracy or as individuals who fail to consider the public's right to decide, through legislation, that some secrets must be kept. In balancing First Amendment concerns, the answer has never been that information should always be free. The answer has always been that we should strike an appropriate balance between competing concerns^{xi}. But can the press or Congress be capable of doing so?

According to Schoenfeld, the answer is no^{xii}. He places his greatest reliance on the exercise of prosecutorial discretion and in the common sense of juries. I, however, claim that vibrant democracies would always face tensions between the need to keep secrets and the media or public who wants to reveal them. There will never be a perfect solution. This constant tension is essential and part of the never-ending democratization process that democracies go through.

Another useful source for understanding government secrecy is Senator Daniel Patrick Moynihan's book – 'Secrecy: The American Experience'. In his book, Senator Moynihan provides insightful perspectives on the development of secrecy as a mode of regulation in American government since World War I. Moynihan comprehensively describes the government's bottomless appetite for 'intelligence' and U.S. bureaucrats' tendency to have information that others want as a source of power – "with the vast expansion in bureaucratization came a remarkable routinization of secrecy"^{xiii}. This conduct is one of the main reasons for the huge amount of classified documents accumulated by the government, and thus, the source for U.S. classification problem. Moreover, Moynihan describes how secrecy had backfired on the U.S. during the Cold War. Secret reports on a presumable 'missile gap' that turned out not to exist led to nearly four decades of contemplating modes of missile defense^{xiv}. However, when the U.S. confronted a direct, unambiguous issue of how to deter a rational Soviet Union choice to use nuclear weapons against American territory, the secrecy within the government in the decision making process was nothing but rational^{xv}. Looking back on the entire Cold War period, and after most documents were declassified, Moynihan concludes that the U.S. basically missed the collapse of the Soviet Union in part because "too much of the information was secret"^{xvi}. In a 1997 address to the National Press Club, former President Ford looked back at his early days in the House of Representatives and described how the best and brightest CIA agents were wrong about their Soviet estimations. In a retrospect, these one-dimensional reports were extremely costly for the United States, and according to Moynihan, we ought to learn and change classification policies accordingly^{xvii}.

Overall, as Moynihan argues, secrecy, while necessary in few cases, is both counter to democracy and antithetical to well-informed choices, since what is not known cannot be debated or debunked. He then concludes that in today's digital age, open media sources give us the vast majority of the desired knowledge for making intelligent decisions. Thus, analysis, far more than secrecy, is the key to security. Following Moynihan discussion on secrecy in the digital age, I will try and assess the challenges of keeping government secrets in today's hyper-connected world.

Secrecy Challenges in the Digital World

Hyperconnectivity is a term invented by Canadian social scientists Anabel Quan-Haase and Barry Wellman. The term basically refers to the use of multiple means of communication and is also a trend in computer networking in which all that can or should communicate through the network will communicate through the network^{xviii}, also known today as "The Internet of Things."

In the past decade or so, the world has gone from connected to hyper-connected. According to an Economist report from 2007, tens of billions of e-mails, mobile text messages, and instant messages, are being sent through the world's public networks every day. This phenomenon enables productivity gains and gives rise to social protests around the world.

For whistleblowers, the digital world brings two conflicting developments on their ability to act. From one hand, access to information was never easier. The ability of individuals to act and leak vast amounts of classified information has significantly increased due to worldwide connectivity. On the other hand, high tech industries and governments take advantage of the mass online activity of individuals, and can easily monitor and stop whistleblowers from following their intentions, even before any disclosure took place.

First, I will discuss the new opportunities for whistleblowers in the digital age. The hyper-connected world holds an enormous democratic potential and significantly increase the ability of individuals to act. U.S. government agencies for instance, endorse and seek to take advantage of this democratic potential. The creation of stealth wireless networks that would enable activists to communicate outside the reach of their governments is highly supported by the United States^{xix}. Attempts to build such networks were recently revealed in Cuba and happen throughout 3rd world countries. Nevertheless, when whistleblowers take advantage of these infrastructures, U.S. benefits from connectivity become ambiguous.

The role of the individual is changing as well. Castronovo, 2013, speaks about the implications of the unauthorized circulation of state secrets and its potentially revolutionary implications for political identities^{xx}. He discusses how the Internet has given individuals unprecedented capacity to increase their scrutiny on officialdom, to monitor what is being done in their name, and to object if they do not like the results. What was traditionally done by the press, can now get done by everybody. Hence, the Internet is changing the dialogue between governments and individuals, businesses and costumers, media and audience. Most importantly, new technologies are significantly shrinking the knowledge gap between all the entities in a democracy. According to Castronovo, "networks can produce not just connections but also identities that interrupt an otherwise undifferentiated dimensions of links."^{xxi} Furthermore, Choucri and Clark, 2012, have combined the layered networking model of the cyberspace with levels of analysis from political science. They concluded that the technological platforms in today's world challenge the 20th century-based theories and the traditional world structure of sovereign states^{xxii}.

As today's Internet offers a variety of tools to communicate, the most noteworthy tool and of special importance to leaked information is the TOR network. An acronym for The Onion

Router, TOR is a free software that enables online anonymity. It directs Internet traffic through a free, worldwide, volunteer network consisting of more than four thousand relays to conceal users' location. Using TOR makes it almost impossible to trace Internet activity. Simply put, it masks one's identity completely. With the Internet, everyone is a source, and everyone is the press. But most importantly, everyone is anonymous^{xxiii}.

Additionally, the Internet raises serious questions on the satisfactory of today's laws, and poses challenges to both the branches and citizens of democracies. As more data becomes available online, the required skill is to find out the right question to ask a search engine. Whether this skill will lead to better governance, more accountability, and less need of whistleblowers, is still unclear. Nevertheless, we can already recognize great risks as well as opportunities for democracies in this new world.

Following the WikiLeaks disclosures, Harvard Professor Lawrence Lessing calls the WikiLeaks ideology "the naked transparency movement which marries the power of network technology to the radical decline in the cost of collecting, storing, and distributing data. It aims to liberate that data, especially government data, so as to enable the public to process it and understand it better, or at least, differently." He doubts however, that a world of naked transparency is a world we would want to live in. Instead, he proposes to tie the transparency movement to a movement for reform rather than revolution or anarchy. He believes that "with the ideal of naked transparency alone – our democracy, like the music industry and print journalism generally, is doomed"^{xxiv}.

The post 9/11 policy of increased information sharing along with the increased access and sophisticated tools to process this information in today's digital world, makes one wonder whether information policies should be reconsidered. We still have not found the right balance between a possible top-secret leak and a future terrorist attack that could not be prevented because crucial pieces of information did not come together^{xxv}. At the same time, the Internet can take us to domains of democracy we have never explored before. Joseph Nye from Harvard assessed that even if Assange had never been born, something like WikiLeaks would have happened anyway. It was in the DNA of the net^{xxvi}. Through the WikiLeaks case we have witnessed a new technological platform that can be used by anarchists, terrorists, or democrats alike. Unlike the era of the Pentagon papers, in which Daniel Ellsberg had to calculate his moves in front of the main media sources in order to get publicity, we are now witnessing a significant shift in the balance of power within the triangle of government – media – citizens.

Several scholars wrote about the unsolved relations between the Internet and today's democracies. Tim Maurer from Harvard concluded in 2010 that "no matter how strict the laws are, the Internet architecture always provides the possibility for a similar event from happening. Assuming that the Internet will not be subject to a major redesign, something like WikiLeaks will always be part of it." Pieterse in 2012, discussed how the U.S. is arguably biased in relation to transparency and democracy – while government agencies endorse and support the democratic potential of the Internet and social media overseas, the same officials heavily criticized WikiLeaks' disclosures. This ambivalence poses a wider problem of

connectivity combined with hegemony^{xxvii}. According to Pieterse, the root tension between hyper-connectivity and hegemony is that hyper-connectivity is multidirectional and cannot easily be harnessed, dictated or controlled^{xxviii}.

Hence, the access to information and the WikiLeaks framework for instance, pose greater questions on the liberal subject of American democracy. The role of the press, the Supreme Court, and the constitution, are being heavily debated upon these incidents. Questions like – does democracy require full transparency? Is secrecy indispensable to honest communication? At what point does public access to information become a national security risk? But most importantly, what is not usually questioned, according to Zizek, "is the democratic-liberal framing" of the WikiLeaks affair in the outset. Are we at the brink of new form of governance?^{xxix}

The flipside of these opportunities is the increasing capability of governments and private corporations to follow the intentions of individuals in the digital age^{xxx}. Social networks postings, Google searches, and basically any online activity is collected and analyzed. Thus, the new generation of whistleblowers, as we will witness in the following sections, have to seek asylum around the world and take extreme steps to prevent governments from tracking their actions.

A good summary for this debate would be a quote from President Obama in his 2009 speech in Shanghai: "the more freely information flows, the stronger the society becomes, because then citizens of countries around the world can hold their own governments accountable." I wonder whether recent major leaks have led the president to change his views.

In the following sections I would try to empirically assess the short and long run implications of major leaks. Additionally, I will compare leaks that took place either before or after the digital age, in both Israel and the United States. I would then be able to conclude whether each leak led to a significant change within a democracy and form a set of conditions that makes whistleblowing effective.

CASE STUDY ANALYSIS

In order to test my hypothesis, I will evaluate five whistleblowing cases. For each case I would try and answer –

1. What are the short and long run impacts of exposed sensitive classified information on democracies?
2. How exposing this information impacts state's security and stability?
3. How exposing this information impacts state's institutions and democratic values?

I would test my hypothesis and check whether exposure of sensitive classified information leads to a public pushback with short and long run implications. In the short run, my hypothesis asserts that whistleblowing puts democracies at a serious security risk. In the long

run however, it enhances transparency, encourages public discourse over freedom of speech, and strengthens democratic institutions. Possibilities for this hypothesis range from cases in which no significant change had happened in both the short and long term, to cases in which actual change did happen - exposed classified information turned to be risky for democracies in the short run but possibly strengthen their values over time.

Each case study includes five sections – background, immediate outcomes, short term impacts, long term impacts, and case conclusion. Before we dive into the case studies it is important to acknowledge the difficulty in assessing impacts from leaks. One's significant outcome for freedom of speech can be the other's negligible consequence. Thus, impacts are assessed differently among a range of scholars and media sources. During my analysis, I would try and stick to the facts. Cases in which subjective impacts from the leak do actually have a significant influence on public opinion and can presumably lead to a change in the long run, will be clearly stated as such.

In addition to testing my hypothesis, I will compare between whistleblowers over time and across nations. I will try and reach some conclusions regarding how whistleblowing acts change over time, whether they change across nations, and what makes an effective whistleblower.

1. Bus 300 Affair – Deliberate killing of captives by the Israeli Shin Bet

BACKGROUND:

The bus 300 affair is a 1984 incident in which Shin Bet (Israeli Secret Service) members executed two Palestinian bus hijackers after they were already captured. The incident followed a hostage crisis, in which four Palestinians hijacked a bus with 25 passengers. The Israeli Defense Forces (IDF) was able to take over the bus, eliminate two of the hijackers, and capture the other two. Shortly after, Shin Bet members took the two captives and killed them in a nearby field.

During the affair, the Israeli military censor originally blacked out media coverage. Nevertheless, publications regarding the affair started in foreign press sources, and eventually appeared in the Israeli media. The publications led to a public uproar which caused an immediate demand to investigate the circumstances surrounding the deaths of the two hijackers that were captured alive.

The Shin Bet was able to manipulate the investigation process and close the case, while concealing who gave the direct order to kill the prisoners. Nevertheless, three senior Shin Bet members could not agree with this cover up. They had leaked information regarding the affair to Israel's Attorney General who therefore reopened the case for investigation. As a result, the truth regarding Shin Bet's methods, the constant lies throughout the investigation process, and the illegal activities within the Shin Bet operations were discovered.

This leak follows our definition of sensitive classified information, as it relates to Israel's Secret Service and its policy towards prisoners. The leak showed how senior Shin Bet members, who are supposed to be role models for the entire society, killed captives and constantly lied about their actions in front of the judiciary branch. This was the first time that methods of this organization were being exposed in the public eye, and hence, this case questioned the organization's moral abilities to ensure Israel's national security. As a result, the incident had seriously limited Shin Bet capabilities to act in the short run and had serious consequences on Israel's national security.

IMMEDIATE OUTCOMES FROM THE LEAK:

Classified information regarding the incident was exposed through both the Israeli daily newspaper, Hadashot, and then the testimony of three senior Shin Bet members, Reuven Hazak, Rafi Malka, and Peleg Raday, who could not accept the false norms in their own organization.

The Hadashot newspaper had a photograph of one of the hijackers being led away alive. Journalists had positively identified the man in the picture as Majdi Abu Jummaa, aged 18, one of the four hijackers who died in the incident. In addition, the newspaper had violated censorship requirements, and published that a secret investigation committee was appointed by then Defense Minister, Moshe Arens, to clarify the chain of events in the incident. The story was re-published around the world and created a huge public demand to reveal the truth.

After a lengthy and complicated investigation process, including several cover-up attempts by the Shin Bet, the real story was revealed. The two hijackers were captured alive, bound and taken to a nearby field, where they were beaten by people who had gathered around them. Shin Bet Chief, Avraham Shalom, and the Shin Bet chief of operations, Ehud Yatom, approached the hijackers. Before leaving the site, Shalom ordered Yatom to execute the two terrorists. As a result, Yatom and several members of the Shin Bet took the militants into a vehicle, and drove them to an isolated place, where the two were executed.

Neither Shalom nor Yatom had anticipated what would happen afterwards. The leak from the newspaper about a possible murder, and especially the following investigation process, revealed Shin Bet's efforts to mislead military and government officials and deny any efforts to disclose the truth. These cover up attempts were revealed by three senior Shin Bet officials who firstly asked Shin Bet Chief to take full responsibility and resign. Upon his rejection, the three revealed how the Shin Bet appointed their own personal, Yossi Ginosar, as a valid member in the official investigation committee. Ginosar actually served as a double agent at the committee and constantly updated his superiors about the process. By doing so, Ginosar made sure that false Shin Bet testimonies would make sense to committee members. One of the outcomes of these false testimonies was the trial of Brigadier General, Yitzhak Mordechai, who was falsely accused for killing the two captives.

The leaks had also revealed the Prime Minister and other officials' role in the cover-up efforts. At first, the three Shin Bet whistleblowers went with their information to Prime Minister Peres. Yet, since Peres was heavily involved in the Shin Bet cover-up attempts, he did not cooperate. In addition, the Attorney General, Zamir, was forced to resign after his decision to reopen the case.

SHORT TERM IMPACTS:

Short run implications are mainly related to Shin Bet's credibility and ability to act effectively after the incident and during the investigations. The incident caused damage to the Shin Bet organization, and therefore, weakened Israel's national security. The integrity of Shin Bet senior officials and the lack of credibility led to a shock within the organization and badly affected its ability to act. In addition, the three whistleblowers had to leave the organization, and thus undermined Shin Bet's leadership in the years to come. One of the whistleblowers was about to be nominated as the new Shin Bet Chief. The other two were promising senior officials who held key roles within the organization.

LONG TERM IMPACTS:

Long term consequences of this leak turned to be significant and wide in their scope. First, as part of the investigation of the affair, it was discovered that the Shin Bet had routinely used physical force during its interrogations. This disclosure had led the government to form the Landau Commission in order to investigate the organization's procedures. The investigation led to the establishment of new guidelines on how to interrogate prisoners and had significantly strengthened the authority of the Shin Bet Attorney General over the actions of the organization^{xxxi}.

Second, ten years after the affair, and according to Shin Bet officials - mainly because of the Bus 300 Affair - a new law name 'the Shin Bet law' was formed. This law deals with the authority, supervision, and limitations of the Shin Bet as an organization. The law is mainly based on the Bus 300 affair incidents, and aims to prevent these kinds of incidents from happening again.

Third, the Bus 300 affair was a mile stone in the relationship between newspapers and national censorship in Israel. The affair had led to a re-examination of censorship in Israel after it became evident that the censors had contributed to the cover-up.

Forth, and according to Israeli journalist, Gideon Levy, the people who exposed the scandal were never honored, whereas those who covered up the incident went on to have prestigious careers. This long term consequence demonstrates the false preference of the democratic system in a country that was unable to reward its whistleblowers accordingly.

Finally, it is easy to understand why in the short run the affair had significantly damaged the Shin Bet's reputation and public image in Israel. The disclosures about the misleading tactics and the lies of senior intelligence officials were first of their kind in the history of the nation. Shin Bet's sophisticated methods, which were developed to secure the nation, were actually

used to hide the truth from the public. Instead of guarding the Israeli democracy, Shin Bet's activities heavily undermined its strength. Nevertheless, over the years, it became a unanimously accepted notion that the Bus 300 Affair has significantly contributed to the Shin Bet reputation. It put an end to the recklessness by which people were killed. Therefore, this affair has established a much more normative Secret Service for Israel.

CASE CONCLUSION:

Testing our hypothesis on the Bus 300 Affair case, we can conclude that in the short run, Israel's security was undermined. It was mainly due to the involvement of the Shin Bet in the exhausting investigation process and its limited ability to act after such a shocking event. Israel's Executive Branch was highly involved as well, and thus, its ability also became limited. In the long run, we witness significant signs of improvement for democratic values. This includes an increase in the transparency of Shin Bet's interrogation procedures, new restrictions on the Shin Bet as an intelligence agency that stem from the 'Shin Bet law', the reexamination of the relations between newspapers and the censorship, and thus, a great contribution to freedom of speech, and the overall increase in the Shin Bet's institutional norms. The fact that the Israeli country was unable to adequately reward these whistleblowers is something that we will constantly witness in other cases as well.

Overall, the whistleblowers were able to reach their goal – the truth about the incident and the cover ups during the investigation process were revealed. Furthermore, the overall reputation of the Shin Bet has actually increased. Despite the struggle of the country to reward its whistleblowers, the Israeli society was able to appreciate the risk they took for changing Shin Bet norms for good. An additional important lesson from this case is how the media was able to influence whistleblowers to expose the truth. Without the initial publications in the Hadashot newspaper, none of this would have taken place in the first place.

2. Anat Kamm – Uri Blau Affair: Leaked IDF Documents regarding illegal West Bank Operations

BACKGROUND:

The Anat Kamm-Uri Blau affair refers to the leak of thousands of classified Israeli Defense Forces (IDF) documents by the former Israeli soldier Anat Kamm to a journalist name Uri Blau in 2007. During Kamm's military service as an assistant in the Central Command bureau, she copied thousands of classified documents. After her service, Kamm leaked the documents to an Israeli journalist and was later convicted for crimes of espionage and unauthorized information disclosure.

Journalist Uri Blau had published one article based on the leaked documents. According to his report, in 2007, the IDF had defied a court ruling against assassinating wanted militants in the West Bank who could potentially be arrested safely. Other leaked documents were not

published, but officials who had access to the documents define them as 'a serious threat to Israel's security.'

The leaked information strictly follows our definition of 'sensitive classified information'. Israeli law enforcement sources said that the documents include "operational military information, security and assessments, meetings' minutes and protocols, highly sensitive intelligence information, orders of deployment and battle, drill briefings, and warfare doctrines from the West Bank." Shin Bet Chief, Yuval Diskin, said that the case "had the potential to cause grave damage to Israel's security", and defined the documents as "the kind that any intelligence agency would be delighted to get its hands on."

IMMEDIATE OUTCOMES FROM THE LEAK:

The 2008 report that was based on the leaks claimed that the IDF senior command planned and executed targeted killings of three people, in violation of an earlier 2006 ruling by the Israeli Supreme Court limiting the circumstances in which such tactic could be used. Quotes from the documents include the explicit order of Major General Naveh: "This is an arrest operation, but in case the soldiers identify one of the senior leaders of the Islamic Jihad, they have the permission to open fire in accordance with their appraisal of the situation during the operation." Following the report, a human rights organization asked Attorney General Mazoz to open an investigation regarding the new findings. Mazoz in response rejected any claim that the IDF had violated an earlier Supreme Court ruling and stated how carefully the IDF is actually following the 2006 Supreme Court rules.

Publications about the leak were delayed in the Israeli media. Despite the fact that numerous foreign media outlets had already reported the case, and just like the beginning of the Bus 300 Affair, there was a gag order for the Israeli mainstream media. After three months of pressure from both foreign and Israeli media sources, the gag order was removed. With the removal of the order, an extensive discussion was held about Kamm's actions and consequences. The dominant approach was that Kamm's actions had risked lives without a real justification. Nonetheless, various parties have supported Kamm's actions, including the blogger Richard Silverstein who classified Kamm on the same level of Julian Assange and Bradley Manning, as a 'world class whistleblower.'

On February 2011, after more than a year in house arrest, Kamm was convicted after pleading guilty in a plea bargain to leaking more than 2,000 secret military documents. The plea bargain contained a promise that Kamm would not be charged with damaging national security, which carried a life sentence if convicted. On October 2011, Kamm was sentenced to 4.5 years in prison and 18 months of probation. In a hearing before the Supreme Court, the prosecution accused Kamm of posing a major threat to the state, and claiming that due to her action "we are paying the price to this day." On December 2012 the Supreme Court granted Kamm's appeal and shortened her sentence to 3.5 years, noting that she had confessed to the crime, cooperated with the investigation, spent a considerable period of time under house arrest, and is unlikely to repeat the violations.

In her investigation, Kamm explained her motives: "There were some aspects of IDF's operational procedures in the West Bank that I felt should be public knowledge. When I was burning the CD I kept thinking that history tends to forgive people who expose war crimes."

SHORT TERM IMPACTS:

The case has raised serious questions regarding IDF's actions in the West Bank. While this controversial issue occupies Israeli media sources on a regular basis, findings from the official leaked documents have boosted the discourse and heavily questioned IDF's credibility to act in the West Bank. Furthermore, the potential damage of these documents was enormous. The documents included classified information regarding IDF's warfare tactics in Lebanon and information about strategic and future IDF objectives. Nevertheless, the Israeli Shin Bet was able to quickly trace both Kamm and Blau, and following their cooperation, stopped publications of the documents on the spot.

The case also exposed how vulnerable IDF systems were. Kamm, which had no background in information technology, was able to easily copy 2,000 classified documents from IDF systems. This led to a whole revision process within the IDF with a goal to improve security measures over classified documents.

LONG TERM IMPACTS:

This case is relatively new for having clear and significant long term implications. Arguably, without Kamm, the public would not have known how IDF's targeted killing policy works^{xxxii}. But the most clear long term consequence stems from the discussion that was initiated over core democratic values such as freedom of the press and the future of whistleblowers in Israel.

The case raised profound questions about the balance between national security and press scrutiny as it became extremely popular among advocates for human rights and democracy within Israel and around the world. A Paris-based reports organization claimed that "defense of national security is a legitimate objective but censorship must not be used to prevent the IDF from being held responsible if they broke the law." In addition, the lengthy gag order in Israel regarding the case raised questions around the freedom of the Israeli press. Advocates for freedom of the press claimed that while the Israeli state has to keep some of its secrets, the press has a crucial role in a democracy, and would not be able to fulfill its responsibilities without whistleblowers and anonymous sources, especially on issues of military and security affairs. Another boost to the freedom of press discussion came after Uri Blau was arrested. Supreme Court judge, Dalia Dorner, reflected on the case by stating that "the arrest of the journalist would seriously damage the Israeli state in which freedom of speech and freedom of the press are fundamental principles"^{xxxiii}. Another issue which was heavily discussed in the media was the presence of today's digital media and how it questions the effectiveness of gag orders from previous decades. During the case, it was somewhat surprising to witness

how traditional media sources were not following the digital media, and kept government secrets as long as they had to. Instead of applying the democratic nature of news sources over the Internet, main media sources chose to play according to the 'old media rules' in the country^{xxxiv}. However, it was the finest hour of independent bloggers, who are not entitled to government gag orders. These bloggers were the only reporting source of the affair in Israel, and their importance in today's hyper-connected world was clearly demonstrated^{xxxv}.

Overall, the affair generated an important debate in the Israeli government, media, and public on the delicate balance between freedom of press and government censorship. From one hand, the press is working to guard democratic regimes but also free to publish what they seem appropriate^{xxxvi}. Additionally, it demonstrated how gag orders are useless. The fact that Kamm would spend only 3.5 years in prison is also significant and somewhat surprising. It is still unclear how deterring her sentence would be for potential whistleblowers in the future.

CASE CONCLUSION:

Testing our hypothesis on the Kamm-Blau affair, we can conclude that in the short run, Israel's security was slightly undermined mainly due to the exposed vulnerability of IDF systems and the lack of ability to keep classified documents. The executive branch did not face any real constrain due to the minor portion of the documents that was actually published. In the long run, the outcry from the public was not strong enough to lead to significant changes in freedom of speech, transparency, and state institutions. The main outcomes were public and media debates around gag orders and freedom of the press. In practice, nothing has changed. However, the fact that freedom of speech was heavily debated, and Kamm was sentenced to only 3.5 years in prison, might motivate potential whistleblowers and eventually lead to a significant leak that would influence the democratization process within the Israeli democracy.

It is important to remember that Anat Kamm was the first Israeli whistleblower in the digital age. It took Daniel Ellsberg several weeks to copy the Pentagon Papers. Anat Kamm however, leaked 2,000 documents in a few minutes. This caused panic among government officials who wanted to make sure whistleblowers would be deterred. It also initiated additional security measures within the IDF.

Kamm, by her decision to give the classified information to a journalist, chose the modest option, and by that probably prevented important journalists' reports that would make the IDF change its policy and war tactics^{xxxvii}. At the same time, we should take into account that Israel is a relatively young democracy. Having such significant changes in any democracy, especially as young as Israel, takes time and patience. Blau himself have recently responded to the affair for the first time. His main argument was that in order to have a true democratic state, there is a risk we all have to take. The light response from the Israeli public, in this case, proved that this business is too risky at the moment.

3. Daniel Ellsberg – The Pentagon Papers

BACKGROUND:

The Pentagon Papers, officially known as: 'United States – Vietnam Relations, 1945-1967: A Study Prepared by the Department of Defense', is a study about the history of the United States' political and military involvement in Vietnam. The study was conducted after Robert McNamara, then Secretary of Defense, wanted to create an 'encyclopedic history of the Vietnam War' and thus leave a written record for historians to prevent policy errors in future administrations. McNamara decided to put together 'Vietnam Study Task Force' and neglected to inform either President Johnson or Secretary of State Rusk. The study reveals the enormous errors in U.S. policy that led to the catastrophic consequences in Vietnam.

The study was leaked by Daniel Ellsberg, a U.S. military analyst from the RAND Cooperation, who wanted the U.S. out of Vietnam as soon as possible. Ellsberg came to the conclusion that telling government officials the truth about the war was not enough. At first, he had sought 'conventional ways' for publishing the study. But National Security Advisor, Henry Kissinger, and several U.S. Senators were not interested. As a result, Ellsberg turned to the New York Times and demanded publications of the papers.

This major leak follows our definition of sensitive classified information, as it relates to fundamental flaws and government lies regarding U.S. foreign policy in Vietnam. The papers show how several U.S. presidents were constantly lying to Congress and to the general public regarding their efforts to extend the Vietnam War. Government officials who were fully aware of the content of these papers made an enormous effort to stop their publication.

IMMEDIATE OUTCOMES FROM THE LEAK:

The papers revealed that the U.S. had secretly enlarged the scale of the Vietnam War with the bombings of nearby Cambodia and Laos, the coastal raids on North Vietnam, and the Marine Corps attacks – none of which were reported in mainstream media. The papers also demonstrated how Johnson was working on a wider war even though he was elected on the basis of promising the opposite. In addition, the papers revealed how previous presidents, from Truman to Johnson, consistently lied to the public about their true intentions in Indochina.

Beyond the systematic lying from presidents, the papers revealed how deeply and aggressively U.S. involvement in Vietnam was, on both internal and external affairs. They showed how following the 1964 'Gulf of Tonkin' – a title for two incidents involving naval forces from both North Vietnam and the United States - the administration had manipulated public opinion in its preparation to open warfare. The papers had also exposed the critical U.S. role in the 1963 South Vietnamese coup in which the president, Ngo Dinh Diem, was assassinated. In order to provoke North Vietnam into launching a major military strike that would justify a large-scale retaliation by the United States, intelligence officials had

recommended air raids, cross-border raids, and limited air strikes on the Viet Cong. Finally, the paper exposed the real U.S. goal in Vietnam - "not the help a friend, but to contain China."^{xxxviii}

After parts of the papers were published in the New York Times, the U.S. Government had completely panicked. Kissinger referred to Ellsberg as the "most dangerous man in America", and following Nixon's orders, legal actions were taken against the newspaper. Moreover, an operation to discredit Ellsberg was underway.

Attorney General John N. Mitchell and President Nixon obtained a federal court injunction forcing The Times to cease publication after three articles. The newspaper appealed the injunction, and the case quickly rose through the U.S. legal system to the Supreme Court, thus stimulating a rigorous public debate. When the Administration sought similar injunction on the Washington Post it was rejected under the claims that – "the security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions." Following these events, the Supreme Court decided that the government failed to meet the heavy burden of proof required for prior restraint injunction claiming that "Only a free unrestrained press can effectively expose deception in government."^{xxxix}

The government was able to prosecute Ellsberg, and put him on trial in an attempt to undermine U.S. national security. Nonetheless, several irregularities appeared in the government's case, including its claim that it had lost records of illegal wiretapping against Ellsberg. As a result, a Federal District Judge declared a mistrial, and overall, Ellsberg did not face any legal consequence for his actions.

During the trial, and in order to ensure the possibility of public debate over the content of the papers, U.S. Senator from Alaska, Mike Gravel, entered the 4,100 pages of the Papers to the record of his Subcommittee on Public Buildings and Grounds. He did this on the base of Article I, Section 6, in the United States Constitution that provides "for any Speech or Debate in either House, shall not be questioned in any other place." Thus, the Senator could not be prosecuted for anything said on the Senate floor as he allowed public access to the content of the papers. Supreme Court has confirmed this in its decision in the Gravel Vs. The United States court case.

SHORT TERM IMPACTS:

In the short run, the implications for U.S. national security were substantial. First, the papers led to a decrease in the federal's government credibility within the United States and around the world. Second, the panic of senior government officials, mainly high ranking officials - President Nixon and National Security Adviser Kissinger, who felt the U.S. was under a serious threat from the inside, was enormous. In retrospect, nothing actually justified this kind of panic, but back then, the papers took most of the attention in the Executive Branch and limited U.S. ability to focus on other crucial foreign policy issues.

The second type of short run effects was the public discourse regarding the War in Vietnam and freedom of speech issues. The papers have shaped and inspired anti-war movements, and as Senator Gravel demonstrated, made public representatives more engaged in stopping the war. Thus, the papers had further pressured officials to get the United States out of Vietnam. In terms of freedom of speech, the papers led to highly controversial Supreme Court cases, which reexamined the balance between government secrets and freedom of information. Nevertheless, besides intensive public debates, concrete consequences from these kinds of Supreme Court decisions were not possible in the short run.

LONG TERM IMPACTS:

Although most of the debate during the leak was rather on U.S. policy in Vietnam but over legal aspects of Ellsberg's actions, important policy consequences took place several years later.

Firstly, the Ellsberg case led Nixon to found the 'Plumbers Unit' – a covert White House special investigations unit that was established in July 24, 1971. Its task was to stop the leaking of classified information to the news media. Its members branched into illegal activities while working for the 'committee to re-elect the President'. One of these activities was the Watergate break-in that generated the Watergate scandal and caused Nixon's resignation. Additionally, within nine months of the Pentagon Papers, the U.S. went defeated out of Vietnam. Thus, the papers had arguably contributed to transparency by indirectly causing Nixon's resignation.

Secondly, the case was a milestone in the relations between government, media, and public in the United States and contributed to freedom of speech values. Although we cannot argue that the U.S. government has currently fewer secrets than it had back then, the case did have huge significance on what the press can and cannot publish. During the events, the New York Times counsel, James Goodale, claimed that the press had a First Amendment right to publish information significant to the people's understanding of their government's policy. It was probably the first, but definitely not the last time that the first amendment was discussed in regards to the Pentagon Papers. In retrospect, the Times Vs. the United States case is generally considered a victory for an extensive reading of the first amendment and was regarded as the most important first amendment Supreme Court case in the history^{xl}. The case made the media realize that the cry for national security should not prevent journalist from publishing reports about flaws of their government.

Finally, the case is considered as one of the causes for the credibility gap between the public and its representatives to date. Daniel Ellsberg claims that the papers demonstrated unconstitutional behavior by a succession of presidents, a violation of their oath, and a violation of the oath of every one of their subordinates. According to U.S. Senator, Birch Bayh, "the existence of these documents, and the fact that they said one thing and the people were led to believe something else, is the reason we have a credibility gap today. We've witnessed the difference between what the President said and what the government actually

does." As a result, people understood they should demand more from their public representatives. In that aspect, the U.S. government as an institution was seriously undermined.

CASE CONCLUSION:

By testing our hypothesis on the Pentagon Papers case, we can conclude that in the short run, U.S. national security was appeared to be in danger, at least according to the President and his National Security Advisor. They both did not know what to anticipate from the whistleblower, and was fully focused on how to deal with this 'new threat'. Therefore, their ability to act on other issues became limited. In the long run, we witness significant signs for improvement of democratic values - A president that was engaged in illegal actions had to resign, and a new chapter about the relations between U.S. government and the media was written. At the same time, despite the fact that the case further stretched the credibility gap between constituents and public representatives, no mechanism to prevent systematic lying of presidents is in place, and the amount of government transparency did not increase over time.

Overall, Ellsberg's goal in publishing the Pentagon Papers was achieved. Since the leak was one part of a whole anti-war context, it contributed to the pressure for getting the U.S. out of Vietnam. In between, the boundaries of the press were re-established. Recent whistleblowers constantly mention this case as an inspiration for their own acts. Another important aspect, which is much more difficult to measure, is the fact that this is a case in which public employee gave priority to conscience over career aspirations. This is a behavior we will witness in the following cases as well. Daniel Ellsberg did not try to hide his actions. He was focused on his goal, and truly believed that the U.S. democracy will eventually support him and not send him to prison. Accidentally, and mainly due to Nixon's character, he was right.

4. WikiLeaks – War Logs & Diplomatic Cables

BACKGROUND:

U.S. classification policy has enormously changed since 9/11. After al-Qaeda's attacks, the 9/11 Commission found that the U.S. Government had failed to identify and connect the many 'dots' of information that would have uncovered the planning and preparation for those attacks. Consequently, several programs were developed to address the U.S. Governments' need to connect these dots and to strengthen the coordination between foreign intelligence and domestic law enforcement agencies. As a result, according to a New York Times report, in the post 9/11 era, about 500,000 people have access to secret cables. Ultimately, the government does not know precisely how many people have security clearances to classified material to this day^{xli}.

In the beginning of 2010, an intelligence analyst name Bradly Manning (today known as Chelsea Manning), who was concerned with U.S. involvement and military actions in Iraq, took advantage of these new classification policies. Due to his job requirements he had access to a vast amount of classified information and decided to leak most of it to WikiLeaks' founder, Julian Assange. Publications followed almost immediately. In April 2010, WikiLeaks published gunfight footage from a 2007 Baghdad airstrike in which journalists were among the casualties. In July 2010, WikiLeaks released the 'Afghan War Diary' – a compilation of more than 76,900 documents about the war in Afghanistan that were not previously available for the public. In October 2010, while coordinating with major commercial media organizations, the group released a set of almost 400,000 documents called the 'Iraq War Logs'. In November 2010 WikiLeaks began to publish leaked U.S. embassy cables totaling 251,287 documents dating from 1966 to the end of February 2010. These documents contained confidential communications between 274 U.S. embassies in foreign countries and the State Department in Washington DC. Major newspapers from five countries – The Guardian, New York Times, Le Monde, El Pais, and Der Spiegel, cooperated by releasing selected and redacted documents from the WikiLeaks cables^{xlii}. Finally, in April 2011, WikiLeaks began publishing 779 secret files relating to prisoners detained in the Guantanamo Bay detention camp.

The leaked information exposed the magnitude of civilian casualties from the wars in Iraq and Afghanistan. The Iraq War Logs showed alleged evidence of torture that was ignored, and exposed more than 109,000 violent deaths between 2004 and 2009 including 66,081 civilians^{xliii}. In addition, through the diplomatic cables, countries around the world could learn about somewhat controversial U.S. positions on a variety of core foreign policy issues.

These major leaks follow our definition of sensitive classified information, as they relate to fundamental principles of U.S. foreign policy and expose facts regarding U.S. wars that the government would rather hide. The U.S. government has expressed major concerns regarding having these documents in the public eye. Julian Assange was accused for both jeopardizing U.S. national security and for having 'blood on his hands.'

IMMEDIATE OUTCOMES FROM THE LEAK:

The U.S. government had described the WikiLeaks affair as an unintended consequence of the post 9/11 policy. In an immediate response to the release of the cables, the State Department disconnected from SIPRNet, a network that connects the State Department with the Department of Defense (DOD). In addition, technical measures took place. The Air-Force blocked Internet access to media sources and the WikiLeaks website, and the DOD introduced new software for monitoring data patterns to detect unusual activity in its systems. Additionally, the U.S. government took steps in the public relations arena. Both the State Department and the DOD have appointed task forces with a clear goal of decreasing Assange and WikiLeaks' credibility as much as possible. They both argued that the leaked information reveals nothing new and put people's lives at risk. In the diplomatic arena, President Obama spoke with a number of heads of state in order to try and pacify them following the leak^{xliv}.

An alternative perspective on the government response was given by Ron Paul, Republican Congressman from Texas. During a 10-minute speech on the House Floor, Congressman Paul raised nine critical questions relating to WikiLeaks, the government, and freedom of information, claiming that these leaks are crucial for maintaining core democratic values in the nation^{xlvi}.

In the cyber domain, the U.S. government is not known to have engaged in cyber-attacks against WikiLeaks. However, the response came from other sources. First, American hackers targeted the different WikiLeaks websites. Then, multinational companies canceled their business partnership with WikiLeaks in the U.S., France, and Switzerland. In response, the hacktivist group Anonymous attacked those companies, while mirror sites of WikiLeaks sprung up all over the world^{xlvi}.

The involvement of private companies against WikiLeaks was first of its kind. After Senator Lieberman publicly called all private companies that host WikiLeaks' websites to immediately terminate their relationship with them, Amazon, whose server was used by WikiLeaks, decided to end the business relationship. Following Amazon's decision, WikiLeaks moved to a new server in France that the French government was able to quickly shut down. Eventually, a server in Sweden was chosen where it enjoyed one of the strongest free speech protections. In parallel to these events, in December 2010, Visa, MasterCard, PayPal, Western Union, and Bank of America cut off donations funding WikiLeaks. Since these are three of the world's biggest payment providers, their decisions to exclude WikiLeaks from their customer base had seriously undermined WikiLeaks' abilities to operate. This financial embargo was heavily criticized by the UN High Commissioner for Human Rights: 'whether you support WikiLeaks or not, the blockade by Visa, MasterCard, PayPal and others, is a sinister attack on free speech.'

In the legal arena, the U.S. government took some immediate actions that ultimately led to the arrest of Private Bradley Manning. Regarding Assange, legal persecution was not so straight forward. Harvard Professor Jack Goldsmith warns that a WikiLeaks prosecution is likely to fail. Succeeding in this kind of prosecution will "harm First Amendment press protections, make a martyr of Assange and invite further chaotic Internet attacks. The best thing to do would be to ignore Assange and fix the secrecy system so this does not happen again."^{xlvi} Further legal actions against the publications were yet to be taken. As a lesson probably learned from the Pentagon Papers affair, the administration decided not to seek a gag order after the first major release of the Afghan War diaries. Nevertheless, a multi-jurisdictional alliance between traditional media outlets and WikiLeaks was established to prevent any attempt from the executive branch to stop the publications^{xlvi}.

At the same time, WikiLeaks was able to gather significant support from all over the world. Civil rights organizations publicly supported the acts of publication. The basis of their support was that if secrecy of administrative documents is used to cover government misbehavior, especially inhuman conditions and killing of people, there must be legal grounds to overcome formal borders of secrecy. According to their view, the leaks are seen as

a justified way to protect democratic society and citizens against secret arbitrary government power^{xlix}.

SHORT TERM IMPACTS:

Immediately after their publication, the leaks were defined as a serious breach of U.S. national security and a disaster to U.S. diplomacy. Nevertheless, evidence that followed did not reflect any serious harm. According to a Pentagon spokesman in January 2011, there has been no confirmed case of harm in response to the Afghan War Diaries. Furthermore, Secretary of Defense Gates had told the Senate a few months earlier that "the review to date has not revealed any sensitive intelligence sources and methods compromised by this disclosure."^l Regarding the diplomatic cables, Secretary Gates assessed they had "fairly modest consequences for U.S. foreign policy."^{li} The effect on the war in Iraq seemed to be minor as well. The Guardian had reported that six months after the release of the Iraq War Logs, there was no proof of lost lives. The limited short term damage was also articulated by the former Chair of the National Intelligence Council, Joseph Nye. He defined the damage as "not overwhelming." The Guardian also quoted one congressional official who said that the administration felt compelled to say publicly that the revelations had seriously damaged American interests in order to bolster legal efforts to shut down the WikiLeaks website and bring charges against the leakers. Thus, in the short run, minimal harm was reported. At the same time, it is important to consider Will Tobey's observation that "Defense Secretary Gates and media reporters have an interest in diminishing the impact. Gates, because he wants diplomacy to continue, and reporters because they do not want to seem like such a bad thing has been done."^{lii} Nevertheless, several safety precautions took place. Shortly after the cables were leaked, a number of governmental officials in the U.S. and abroad either had to leave their jobs or were relocated. This includes U.S. ambassadors to Libya, Mexico, and Ecuador^{liii}.

Public response was quite ambiguous. On one hand, Assange was declared as a terrorist by several officials after 'seriously undermining U.S. national security.' On the other, many people had identified the democratic principles behind WikiLeaks' actions. While some think that WikiLeaks puts lives at risk and jeopardizes sensitive operations, others, who are frustrated by the limitations of Freedom of Information (FOI) laws, think that five years of WikiLeaks have done more for transparency than decades of FOI laws. One of the vocal speakers regarding the democratic values of the papers was Congressman Ron Paul. He created a link between WikiLeaks and the Pentagon Papers and weighted these cases against the lives of many Americans who die in false wars overseas. Congressman Paul went on and questioned the right of the American people to know the truth, the actual benefits of huge U.S. spending on intelligence, the military's false classification policy, and the governments' role in keeping classified information. Lastly, he emphasized the importance of the WikiLeaks case to the future of the first amendment and asked whether 'it was not considered patriotism to stand up to the government when it is wrong.'^{liv} The questions served as an alarm for U.S. democracy and freedom of information values. By raising these important

questions, Congressman Paul helped shape a public discourse over government secrecy and democratic values.

While it may be surprising to witness such a minor public response to the huge amounts of published classified information, Alasdair Roberts, 2011, was able to explain at least part of the cause. According to Roberts, WikiLeaks' principle of relying on the public to interpret huge amounts of data is the main cause for this public aloofness. He discusses how the majority of the public turned against WikiLeaks and did not deal with the leaked information itself. Even after WikiLeaks had collaborated with leading media organizations, the public reaction was minimal^{lv}. Another cause for the lack of public outcry according to Roberts was the context of the events. He compares WikiLeaks to the Pentagon Papers, and states that Ellsberg was successful mainly because a host of other forces were pushing in his direction. Back then, the American public was already exhausted by Vietnam. But nowadays the priorities are completely different. Today, the public is mainly concerned with economic uncertainty and physical insecurity. In this climate, Roberts continues, U.S. government actions as they were exposed in the leaks might not have been considered as abuses of power. They could be regarded as proof that the U.S. government is prepared to get its hands dirty to protect its citizens^{lvi}. Overall, major parts of the public viewed WikiLeaks as a source for U.S. instability and thus hardened against it.

LONG TERM IMPACTS:

In the long run, implications from WikiLeaks touch upon a broad set of issues. In a way, we are still in the process of fully understanding WikiLeaks' impacts.

First, since diplomacy among governments is mainly based on trust between diplomats, the leaks have probably damaged U.S. efforts around the world. The leaks are likely to create a diplomatic world in which U.S. diplomats will be terribly mistrusted. Hence, this is a serious risk for U.S. credibility^{lvii}. In addition, a former CIA agent estimates that the WikiLeaks damage to American credibility and diplomacy is incalculable as they put the diplomatic 'back channels' mechanism in a serious danger^{lviii}. The fact that the diplomatic cables represent some 'already known' positions of U.S. diplomats does not undermine their importance. There is a huge difference between the common notion that Saudi Arabia does not want Iran to have nuclear capabilities, and a direct quote from King Abdullah to President Obama about removing the 'head of the snake.' This changes the array of political possibilities for the U.S. in dealing with its friends and allies.

Beyond the credibility of U.S. diplomats, the WikiLeaks cables have generated new threats to U.S. allies. In Pakistan for instance, WikiLeaks cables led to serious government credibility problems. After U.S. drone attacks have been condemned time and again by the Pakistani government, the cables revealed that the government was fully aware of the ongoing attacks, and did not match its statements with actions. This played into the hands of pro-Islamist forces that attacked the major cities of Pakistan in response^{lix}. In India, WikiLeaks cables showed that the ruling Congress Party had access to over \$1 million in funds to bribe

members of the parliament in order to survive the confidence vote over U.S. – India nuclear deal^{lx}. Overall, there is a serious danger that in the medium and long term, U.S. enemies will mine the leaked information, look for insights into how the U.S. operates, cultivate sources and then react accordingly in combat situations. This sheer wealth of information might allow groups like al-Qaeda to not only get a snapshot but a systematic picture of how the U.S. military operates^{lxi}. While in the short run the implications seem negligible, in the long run they might be quite significant. Another global WikiLeaks impact is arguably the Arab Spring. Although the issue is controversial and indeed difficult to prove empirically, I choose to bring here some evidence that reflect on the WikiLeaks' part of the uprising in Tunisia which started the wave of uprisings across the Middle East. Before the 'Jasmine Revolution' in Tunisia, the leaked information from WikiLeaks cables regarding Tunisian ruler Ben Ali was published in local papers. According to a member of a Tunisian association for female equality, the airing of the material on the mainstream media, revealing just how rotten Ben Ali's crony-capitalist system was, played a significant role in politically engaging the youth of the country^{lxii}. In addition, Libya's leader back then, Mohammad Gaddafi, railed against WikiLeaks and blamed the Tunisian uprising on its publications. According to Gaddafi, the WikiLeaks cables, which detailed the spending habits of Ben Ali and his family, were planted by ambassadors to push along the Tunisian uprising^{lxiii}.

The credibility of the U.S. Government was also on the line. Americans got exposed to mass number of civilian casualties from both Iraq and Afghanistan wars. The decrypted video footage of a U.S. Apache helicopter firing upon and killing civilians in Iraq is so far the most damaging material released from the leaks^{lxiv}. Overall, without Manning or Assange, Americans would not know what exactly their military was doing in Iraq. WikiLeaks had impacts on core American values of integrity, efficiency, comprehensiveness, and discretion. Nevertheless, and due to a minor public outcry, these leaks did not lead to significant policy changes. Thus, while no change in transparency or institution took place, freedom of speech got an unexpected boost.

One of the two most significant long term consequences that did lead to a change in freedom of speech over time was the successful partnership between WikiLeaks and mainstream media sources. Such a tight cooperation between an independent news agency like WikiLeaks, that followed no rule whatsoever, and the giant players in the newspaper industry, has paved the way for potential whistleblowers to follow suit. WikiLeaks has become an effective intermediary organization through which leakers can release information to media and public. And indeed, we have lately witnessed NSA whistleblower, Edward Snowden, successfully cooperating with the Guardian. Saroj Girdi, a political scientist from the University of Delhi, has accurately summarized WikiLeaks effects on the mainstream media: "WikiLeaks has challenged power by challenging the normal channels of challenging power." In that sense, WikiLeaks impact goes beyond the scope of the traditional actors in a democratic regime. It questions the power and effectiveness of current press and suggests new ways for holding governments accountable.

The second significant long run outcome for freedom of speech is WikiLeaks' Internet infrastructure for leaking. Several components make this infrastructure unique. Firstly, the

way WikiLeaks operates is first of its kind. This international organization operates in the cyberspace in ways intended to frustrate retribution and regulation through national information laws. This way of action suggests a new institutional form that would probably be more common in the near future. Secondly, since the WikiLeaks group has substantial knowledge in cyber security issues, they were able to build an encrypted and anonymous drop box for leakers around the globe. Due to the current Internet architecture, the probability of exposing leakers who decide to go ahead and use these mechanisms is negligible. According to Hood, 2011, this is not just a passing phase: "there does not seem to be much to stop replication of the WikiLeaks "business model" of web-based publication of classified material hosted in disclosure-friendly jurisdictions."^{lxv} Gordon Crovitz on the other hand, thinks that these technologies will result in a less free flow of information. In order to support his argument, he introduces Obama's plans to tighten information flows and take the U.S. a step back to pre-9/11 period. He also claims that this is Assange's real goal, to limit information sharing in the U.S. government and therefore limit its ability to act^{lxvi}. While Assange's goals are not always clear, Crovitz ignores the potential of having this kind of infrastructure out there. Looking on our case studies so far, we can conclude that whistleblowers usually struggled with accessing classified information and their main barrier was a method to anonymously bring their secrets to the public eye. While it might be true that tightening information security with government organizations would limit the number of leaks, it was not the main challenge for whistleblowers so far. Also, since whistleblowers usually come from the inside, this would not be a major challenge in the future.

Finally, the most controversial aspect in WikiLeaks' impacts relates to issues of transparency. The main questions to consider here are - Is WikiLeaks going to increase or restore the space of free speech or advanced transparency of public documents? Or is it going to have the opposite effect and make governments strengthen their restrictions and increase forms of Internet censorship? The answer is probably a little bit of both.

Scholars are yet to reach an agreement around this issue. Pieterse, in his 2012 piece, claims that WikiLeaks exposes the tensions between democratic and hegemonic transparency. Hegemonic transparency is top-down transparency for 'others'. WikiLeaks, by posing the option of radical transparency, constantly upsets the norms of hegemonic transparency: "In the networked age, when the watch can also be watchers, nothing less than the credibility of authority itself is at stake. In this changed environment, the people formerly known as authorities can re-earn that trust only by being more transparent, and by eliminating the contradictions between what they say and what they do."^{lxvii} However, after exposing this inevitable tension, WikiLeaks is yet to generate an overarching impact on U.S. transparency. Stephen Aftergood on the other hand, claims that WikiLeaks actually decreases the future possibility of a better balance between secrets and the public's right to know. He states that WikiLeaks has "invaded personal privacy. It has violated intellectual property rights, and above all, it has launched a sweeping attack not simply on corruption, but on secrecy itself." According to Aftergood, this is both a strategic and a tactical error – "it is a strategic error because some secrecy is perfectly legitimate and desirable, it is a tactical error because it has unleashed a furious response from the U.S. government that I fear is likely to harm the

interests of a lot of other people besides WikiLeaks who are concerned with open government." While Aftergood is right to point out that some secrecy is legitimate, and indeed, among WikiLeaks' disclosures there are pieces of information that had to stay secret, he fails to consider both the snowball effect, and the infrastructure that WikiLeaks put in place for future whistleblowers. These foundations have the potential to increase public demand for open government and eventually lead to a change. In addition, exactly because WikiLeaks has published an unprecedented amount of classified information, future, smaller scale leaks, might be less shocking in general. Therefore, they are more likely to initiate a real debate over the substance of the issues. Thanks to WikiLeaks, future whistleblowers are better positioned to lead a real change.

Effects on transparency are visible in the short run as well. Karhula, 2011, is right to point out the concerns and evident signs about stricter legislation and more in-depth surveillance practices which still may find their grounds on WikiLeaks. After going over the pieces of legislations, government reactions, and private sector reactions, Karhula concludes that there is not yet much evidence of a trend towards strengthening transparency and increasing the space for freedom of speech within the aftermath of WikiLeaks. Another scholar who discusses short run effects on transparency is Roberts, 2011. He concludes that due to actions of private corporations against WikiLeaks and government actions to reduce access to information, decreased transparency is ahead. According to Roberts, there is no "technological quick fix" to transparency. Working on a more open government approach involves hard work and patience. While these views are still valid today, both Karhula and Roberts, like Aftergood, fails to consider the foundations that WikiLeaks put in place for the future whistleblower. Indeed, future whistleblowers might have no effect on the transparency levels of the U.S. government. However, if the likelihood for witnessing future whistleblowers has increased, WikiLeaks might hold significant implications on future transparency policies.

Hood, 2011, properly summarizes WikiLeaks' importance to transparency. According to Hood, WikiLeaks presents a new chapter in the transparency story. It proved that governments should ratchet up legal counterattacks because the ways they have coped with the Freedom of Information world so far, by centralized control of information and informal oral processes, may not be as effective in the new context^{lxviii}. Pieterse, 2012, took this even further. He views WikiLeaks' disclosures as important contribution to the democratization process in the United States. According to Pieterse, "the reception of WikiLeaks' disclosures casts light on the non-democratic character of the dominant institutions, public and private, ensconced in the niches of institutional democracy. The disclosures provide infrastructure for the public to show other faces of the digital turn - they help expose authoritarian rule as well as the bounds of liberal democracy."^{lxix} While I believe it is too early to conclude significant contributions to the democratization process, I do agree that WikiLeaks has rewritten the rules of freedom of speech, more than transparency, mainly due to its infrastructures. Time will tell whether democracies are willing to adopt these new rules.

CASE CONCLUSION:

Testing our hypothesis on the WikiLeaks case, we can conclude that in the short run, U.S. national security was perceived as seriously damaged from the leaks. Assange was blamed for having 'blood on his hands', diplomats and secret agents had to reassess their status in foreign countries, and the administration faced difficulties in relations with foreign diplomats. While it might be too early to assess that no harm was done, government officials confessed that WikiLeaks implications were minor. Public response to the leaks was ambiguous. While some viewed WikiLeaks as traitors who jeopardize U.S. national security, others embraced the fundamental questions about the boundaries of democracy that were generated from the leaks. WikiLeaks had created a vast public discourse in almost every media source in the country. Elected representatives were highly engaged to share their views, and hence raised the awareness levels over issues of freedom of information and the public's right to know.

In the long run and since the outcry from the public was minor, no substantial change or critical progress in transparency or democratic institution in the United States took place. Vice versa, the public and private sector collaborated in an unprecedented way to shut down WikiLeaks operations, either by financial sanctions or pieces of legislation that further narrowed the opportunities for increased government transparency. In addition, WikiLeaks disclosures threatened U.S. allies and badly affected U.S. credibility both in the domestic and international levels. Nonetheless, freedom of speech was boosted due to WikiLeaks' cyber infrastructures. Practically, WikiLeaks has prepared the ground for future whistleblowers. First, WikiLeaks had successfully collaborated with major media sources and was able to wisely use their reputation and experience. In addition, WikiLeaks has created the first infrastructure for anonymously leaking secrets. Without Private Manning's urge to share his actions with a complete stranger, he would probably be a free man. The NSA contractor, Edward Snowden, is already using these infrastructures successfully. These infrastructures hold the potential of increasing democratic values and enhancing the democratization process over time. Last important outcome is the effect on the balance between government secrets and the public's right to know. By both having these infrastructures in place and exposing an unprecedented amount of classified information, WikiLeaks has shaken secrecy within governments. While no clear outcome has yet to emerge, additional chapters are still ahead. So far, it is just too early to determine whether significant democratic results will be achieved.

5. Edward Snowden – NSA Documents

BACKGROUND:

Edward Joseph Snowden is a former employee of the Central Intelligence Agency (CIA) and a former contractor for the National Security Agency (NSA). Since June 2013, he has disclosed thousands of classified documents to several media outlets. He chose to team with The Guardian's Glenn Greenwald and Washington Post's Laura Poitras to have mainstream

media publish a set of highly concerning NSA documents. Thus far, the mainstream media that published the documents include: the Guardian, Der Spiegel, the Washington Post, The New York Time, and La Monde (France).

Snowden's leaked documents uncovered the existence of numerous global surveillance programs, many of them run by the NSA with cooperation of telecommunication companies and European governments.

According to Snowden, before leaking classified information, he made tremendous efforts to "report the NSA surveillance programs to co-workers, supervisors, and anyone with the proper clearance who would listen. The reactions of those I told about the scale for the constitutional violations ranged from deeply concerned to appalled, but no one was willing to risk their jobs, families, and possibly even freedom, to go through the whistleblower path." The NSA's spokesperson disagreed and claimed that "there is no evidence to support Mr. Snowden's contention that he brought these matters to anyone's attention."

The exact size of Snowden's disclosures is still unknown, but the estimates are 15,000 Australian intelligence files, 58,000 British intelligence files, and roughly 1.7 million U.S. intelligence files.

Snowden revealed that the programs are not always around national security issues – "they are about economic spying, social control, and diplomatic manipulation. They are about power." Industrial espionage on companies like Siemens for instance, is also part of NSA's work.

Snowden explained his action by saying – "I don't want to live in a society that does these sorts of things. I do not want to live in a world where everything I do and say is recorded." According to Snowden, all he wanted was for the people to be able to have a say in how they are governed.

Since the magnitude of the leaks is incomparable to any leak we have witnessed before, attached is a table that summaries the different aspects of the NSA leaks in the course of the last 11 months^{lxx}.

<div>Type of Leak</div> <div>Date & Leak Content</div>					
<i>Partnership with telecommunications companies for surveillance purposes</i>	June 2013 – leak about NSA request from Verizon to hand over metadata from millions of American's phone calls.	June 2013 – PRISM program was exposed. The public learned how the NSA has a direct access to servers of major U.S. tech companies – Apple, Google, and Microsoft. These companies were in helping the NSA circumvent encryption and privacy controls over their products.	July 2013 - The NSA gets access to Internet and telephone data through foreign telecoms' partnerships with American telecoms.	Aug '13 - The NSA spends hundreds of millions of dollars each year paying private companies for access to large fiber optic communications backbones.	Sept '13 - NSA creates huge breaches in commonly used technologies – cracking methods of encryption, and installing back doors in tech industry's products.
	Oct '13 - NSA has hacked connections between data centers owned by Google & Yahoo.				
<i>Spying on foreign nations / media sources / international organizations.</i>	June 2013 - Snowden reveals that the U.S. spies on Hong Kong and Chinese citizens.	June 2013 - U.S. spying on foreign diplomats at the 2009 G20 summit to gain trade advantage over developing nations is revealed.	June 2013 - Surveillance on EU, the UN, and foreign embassies is revealed.	July 2013 - Australia and New Zealand help the NSA to gather information.	July 2013 - NSA listens to Latin American calls.
	Aug '13 – US uses spying for diplomacy - the NSA provides surveillance intended to give U.S. diplomats the upper hand in negotiations at the UN.	Aug '13 - Targets of U.S. cyber attacks in Russia, China, Iran, and North Korea are revealed.	Aug '13 - NSA spies on Brazilian and Mexican Presidents.	Sept '13 - Corporate espionage by the NSA on Google, French Ministry of Foreign Affairs, and a Brazilian oil company was revealed.	Sept '13 - NSA performs bulk data collection on international networks belonging to Visa, MasterCard, and SWIFT.

	Sept '13 – U.S. monitors Indian diplomats and leaders.	Oct '13 – NSA Spies work in 80 U.S. embassies around the world. There is also sophisticated monitoring equipment concealed in these embassies.	Nov '13 – U.S. spies on Norwegian citizens.	Nov '13 - U.S. & U.K. maintain secret spying agreement.	Dec '13 - U.S. spying on Italian citizens and diplomats.
	Jan '14 - NSA spied on climate negotiations.	Mar '14 - NSA target phone calls abroad and are hunting network administrations.			
<i>Intelligence Oversight Gap</i>	June 2013 - Foreign Intelligence Surveillance Courts fail to provide transparency and accountability to U.S. intelligence systems.	Aug '13 - A gap in current law permits NSA to view American citizens' data without a warrant.	Aug '13 - Three secret court opinions that were declassified by the NSA show how thousands of emails by Americans who are not related to terrorism were collected.	Nov '13 - NSA's strategic mission is revealed – to collect all the data it legally can, no matter how significant. Beyond missions such as terrorism and nuclear proliferation, the agency's goal is to secure U.S. diplomatic advantage, reliable access to fossil fuels, and maintaining the U.S. economic advantage over Brazil and Japan.	Nov '13 - NSA admits violations: The NSA admits that two agency programs systematically violated privacy laws and policies.
	Feb '14 - Drone attacks are based on rough NSA data instead of human intelligences.	Mar '14 - Secret court rulings are revealed – the Foreign Intelligence Surveillance Court allow the NSA, CIA, and FBI to share personal information belonging to U.S. citizens.	Mar '14 - Political leaders are left in the dark,unaware of their countries' cooperation with the agency.		

<i>Domestic Spying</i>	June 2013 - NSA domestic spying rules are revealed.	June 2013 – The U.S. can track 1 billion daily mobile calls.	July 2013 - NSA's upstream program is revealed – the program allows NSA to collect information from the fiber optics cables that carry most Internet and phone traffic.	Sept '13 - the NSA is creating maps of American's social contacts including phone and email metadata to map social connections.	
<i>Technical Capabilities</i>	June 2013 – Circumvent encryption and privacy controls over commercial products are revealed.	Sept '13 – NSA has back doors in products of private industries.	Sept '13 - Smart Phone surveillance is revealed.	Sept '13 – Social connections mapping is exposed.	Oct '13 - The TOR network is constantly attacked by the NSA.
	Dec '13 - NSA is spying over online games / mobile apps.	Dec '13 - NSA uses corporate cookie tracking.	Dec '13 - NSA cracked cell phone encryption.	Jan '14 - the NSA is working to develop a so-called 'quantum computer' that could theoretically break the strongest forms of encryption in use today.	Jan '14 - The NSA can hack offline computers.
	Mar '14 - NSA engages in industrial-scale exploitations. They have the capacity to implant millions of computers with malware which allows access to sensitive data.				

Table 1 – A Summary of NSA leaks From June 2013 – May 2014

These major leaks follow our definition of sensitive classified information, as they relate to fundamental and secret principles of U.S. intelligence methods, reveal some of NSA's technical capabilities, expose major flaws in U.S. government oversight, and demonstrate the violation of basic human rights in the networked sphere. In response, the U.S. government and the NSA expressed major concern for U.S. national security and emphasized how critical the exposed information is.

On June 2013, Director of National Intelligence James Clapper condemned Snowden's actions as having done "huge, grave damage" to U.S. intelligence capabilities.

On January 2014, President Obama referred to the significance of the leaks: "the sensational way in which these disclosures have come out has often shed more heat than light, while revealing methods to our adversaries that could impact our operations in ways that we may not fully understand for years to come."^{lxxi}

IMMEDIATE OUTCOMES FROM THE LEAK:

The U.S. Department of Justice charged Snowden with espionage, and the State Department revoked his passport the next day. By August 2013, after President's Putin approval, he was able to find asylum in Russia and continue to leak sensitive information since. After this temporary asylum, the U.S. administration was "extremely disappointed" by the Russian government decision. As a result, President Obama had canceled a planned meeting with President Putin.

The disclosures led to crises with other leaders as well. By October 2013, Snowden's disclosures had created tensions between the U.S. and some of its closest allies. World leaders could not ignore the documents since they revealed how the U.S. was spying on Brazil, France, Mexico, Britain, China, Germany and Spain. The most notable response came from Chancellor Merkel, who was personally spied by the United States. She responded by saying that "Spying among friends is unacceptable."

The military was deeply concerned as well. A U.S. intelligence official told the media that Snowden revelations allow military adversaries to better hide their assets. Chairman of the House intelligence committee, Mike Rodgers, and ranking member Dutch Ruppersberger said that military intelligence officials contends that Edward Snowden's leaks had put U.S. troops at risk and prompted terrorists to change their tactics.

The international community was active as well. The United Nations General Assembly unanimously adopted a symbolic anti-spying resolution. The European Parliament invited Snowden to make a video appearance to aid their NSA investigation.

Beyond political and national security impacts, the leaks have unleashed an enormous public debate over online privacy and Internet security. In June 2013, Senator Sanders of Vermont wrote on his blog that we should all be thankful for Snowden who forced upon the nation an important debate.

SHORT TERM IMPACTS:

Since the leaks are currently 11 months old at most, every outcome falls into our definition of a 'short term impact.' Nevertheless, impacts with potential for significant long term implications are categorized under 'long term impacts.'

Following Snowden's disclosures, several NSA techniques had to change. In addition, Mark Zuckerberg, Facebook's founder, personally called president Obama to complain about the NSA using of Facebook as a means to hack computers. In addition, Facebook's Chief Security Officer explained to reporters that the attack technique has not worked since last summer.

The judiciary seems to be uncertain about the legality of the NSA programs. On June 2013, a lawsuit by a conservative public interest lawyer was filed. The lawyer claimed that the federal government had unlawfully collected metadata from his telephone calls and was harassing him. In December 2013, a U.S. federal judge for this case had ruled the collection of U.S. phone metadata conducted by the NSA as 'likely unconstitutional'. Nonetheless, ten days after this lawsuit another judge came to the opposite conclusion on the same issue. This generated public confusion over the constitutionality of the NSA's data collection program.

In the meantime, a U.S. think tank – the New American Foundation – decided to closely examine the national security argument that was immediately made by government officials following the disclosures. Their analysis from January 2014 reviewed 225 terrorism cases since the 9/11 attacks. The researchers found that the NSA's bulk collection of phone records "has no discernible impact on preventing acts of terrorism."

Moreover, In August 2013, President Obama had called for a review of U.S. surveillance activities. The recommendations of the board would subject the NSA to additional scrutiny by courts, Congress, and the President. They would also strip the NSA of the authority to infiltrate American computer systems using 'backdoors' in hardware or software. One of the panel members was quoted saying that 'there is no evidence that the bulk collection of phone data had stopped any terror attacks.'

In the meantime, Edward Snowden was able to gain a lot of recognition among human rights organizations. His public image is slowing but constantly improving, especially among the majority of 18-29 years old Americans who are supportive of his actions. Thus, Snowden might become one of the most popular Whistleblower in the history of the United States.

Overall, we can claim that U.S. national security was undermined in the short run, due to the shocking period the National Security Agency had and still is going through and the need to change intelligence tactics.

LONG TERM IMPACTS:

According to Daniel Ellsberg, the Pentagon Papers whistleblower, "Snowden disclosures are a true constitutional moment" that enables the press to hold the Executive Branch accountable

while the legislative and judiciary branch refused to do so. The accountability mechanisms in the U.S. government are "one sided secret court which acts as a rubber stamp." On January 2014 he posted on his Twitter page: "Edward Snowden has done more for our Constitution in terms of the Fourth and First Amendment than anyone else I know."

One of the most significant long term impacts from Snowden's disclosures is on the overall level of Internet security and the operations of major tech companies. The Snowden effect had a profound impact on these companies after it was revealed that the NSA was tapping into the information held by some U.S. cloud-based services. Google, Cisco, and AT&T lost business internationally due to this outcry. It has been estimated that the cloud-based computing industry could lose up to \$35 billion in the next three years. Additional aspects of the 'Snowden effect' on the technology industry include increased interest in encryption, businesses that are leaving U.S.-based companies, and a reconsideration of the safety of cloud technologies. Google has recently announced that it is encrypting Gmail by default. In addition, Yahoo, Google, Microsoft and others are now regularly publishing 'transparency reports', listing how many government data requests the companies have received and complied with. Lastly, IBM decided to spend \$1.2B on data centers outside the U.S. to make it harder on the NSA to track the data.

The leaks also led to impacts on Internet usage and the battle over Internet governance. According to public opinion polls, since Snowden's disclosures, Americans are using the Internet less for email, online shopping, and banking. Additionally, former NSA deputy director, Col. Cedric Leighton, claims that the leaks were a 'significant disservice' to the worldwide health of the Internet by leading Brazil and others to reconsider the Internet's decentralized nature. Countries are starting to try and build their own versions of the Internet. President Putin already called the Internet 'a CIA project'. This would seriously undermine the major economic and civic benefits of today's global Internet.

The leaks also hold the potential for changing U.S. surveillance laws for good. On October 2013, Congressman Jim Sensenbrenner, author of the Patriot Act, submitted a proposal to the House of Representatives called the 'USA Freedom Act' which would end the bulk collection of Americans' metadata, and reform current legislation that allows it (FISA). Furthermore, The Privacy and Civil Liberties Oversight Board (PCLOB) that was chosen by President Obama, found that NSA's metadata phone program is illegal and of only limited value. On April 2014, the Washington Post reported that some federal judges who hold low-level positions had been balking at sweeping requests by law enforcement agencies for cellphone and other sensitive personal data.

Finally, on January 17, 2014, President Obama called for a major surveillance reform. The President made a forceful call to narrow the governments' access to millions of Americans' phone records as part of an overhaul of surveillance activities that have raised concerns about official overreach. The President said he no longer wants the NSA to maintain a database of such records. During his speech at the Justice Department, Obama ordered several immediate steps to limit the NSA program that collects domestic phone records. The President directed that from now on, the government must obtain a court order for each phone number it wants

to query in its database of records. Analysts will be able to review phone calls that are two steps removed from a number associated with a terrorist organization instead of three. He also ordered a halt to eavesdropping on dozens of foreign leaders and governments that are friends or allies - "We will not monitor the communications of heads of state and governments of our close friends and allies. Friendly leaders deserve to know that if I want to learn what they think about an issue, I will pick up the phone and call them, rather than turning to surveillance."^{lxxii}

CASE CONCLUSION:

Testing our hypothesis on the Snowden case, we can conclude that in the short run, U.S. national security was possibly damaged from the leaks. Nevertheless, the extent of this damage is unclear. While significant NSA techniques were exposed, we can only assume that U.S. intelligence capabilities were seriously undermined due to Snowden's revelations. Furthermore, following NSA surveillance on foreign country leaders, the U.S. had to deal with several diplomatic struggles with some of its closest allies. This probably made cooperation over economic and national security issues harder than usual.

Public response to the leaks was ambiguous. Snowden was called many things since he started his leaks. Some view him as a hero, others as a traitor. According to Snowden himself, the solo motive for leaking the documents was "to inform the public as to that which is done in their name and that which is done against them."

In the long term it is probably too early to tell how significant the leaks are going to be. Nevertheless, thus far, we do see some potentially significant changes to U.S. surveillance policy and several means to better keep basic human rights in the networked sphere. As opposed to the WikiLeaks case, the public outcry in this case led the administration to both undertake steps towards addressing citizens' concerns over online rights and reaching a better government oversight over its intelligence services.

Thus, although the major impacts from the leaks were on the tech industry, the case contributed to transparency, freedom of speech, and the norms of the U.S. intelligence community. Companies have to file transparency reports, the surveillance programs are going through a major reform, and thus, freedom of speech is increased. Lastly, the norms of intelligence institutions in the United States are starting to improve and better reflect the democratic values of the country.

Finally, there are two additional aspects in which Snowden's contributions are undisputable. First, his revelations have already contributed to an increase in the overall level of Internet security. Thanks to Snowden, the encryption level in the Internet has increased, and transparency reports by big companies are being published on a regular basis. Second, since Snowden's asylum allows him to not only publish classified information, but also explain the rational and the technical content behind his documents, the public is slowly realizing the importance of his action. The NSA has already admitted that some of its programs are illegal.

Moreover, President Obama called for a surveillance reform that will change the intelligence community for good. Thus, Edward Snowden might be the very first effective whistleblower of the digital age.

It is important to notice that Snowden is able to successfully use the infrastructures of previous whistleblowers and pave the way for future ones to come. Just like Julian Assange, Snowden was able to work with top media organizations to expose shadowy practices the American people needed to know about, and thus, triggered a vital debate the U.S. needed to have.

As democratic states evolve, whistleblowers have a fundamental role in keeping democracies on their feet. History will eventually judge Snowden and his action, but his contribution to the 'Whistleblowing industry' might become a very significant one.

COMPARISON OF CASE STUDIES

We have witnessed five cases from two different democracies in different periods of time. Following the study of these cases, I can conclude that my initial hypothesis regarding enhanced democratization and long term changes in democracies was quite ambitious. While in the short run we did witness decreased security and stability that put democracies at risk, along with constraints on the executive branch to act due to usually a post-leak crisis, concrete long run consequences are still missing. Indeed, in each case, an enhanced public discourse over core democratic values was initiated. Nonetheless, the outcry from the public was never enough to create a real change on how secrets are kept within governments, initiate any significant change in freedom of speech, or strengthen democratic institutions. Overall, all cases had created some movement in the democratization process, but the levels and direction of these movements were quite different. The Snowden case, however, seems as an outlier. Due to his revelations, several reforms are about to take place. In addition, he was able to set the stage for potential whistleblowers who can now use all the lessons of their predecessors in order to keep democratic values in the 21st century.

Moreover, after studying each of the cases, we can find several similarities as well as differences between them and draw conclusions regarding the changing nature of whistleblowing and what makes it effective.

The following table summarizes our comparison of case-studies.

Case Study / Criterion	Purpose of Whistleblower	Chain of Command First?	Scope of Leak	Resonance of the Leak	Impacts from the Leak	Response from government officials	Whistleblower's Public Reputation	Whistleblower's Verdict
<i>Bus 300 Affair (1984) Israel</i>	Couldn't accept the norms within their organization regarding a specific issue.	Yes	Narrow – dealt with a specific case.	Huge – media and public dealt with the story for 20 years.	Significant – in the short run, the organization was traumatized. In the long run, new intelligence laws were formed.	Panic and cover-up attempts.	Whistleblowers were never honored but hold a good public reputation.	Expelled from the organization.
<i>Anat Kamm (2008) Israel</i>	Couldn't accept the general norms within her organization.	No	Wide – dealt with a variety of issues in IDF's policy.	Small – Media covered the case, but the public debate was not significant.	Insignificant – public outcry was small – no change in democratic values occurred.	Officials were concerned, but since the source of the leaks was controlled, the response was moderate .	Mrs. Kamm has a bad public reputation and considered as a traitor among the majority of the public.	3.5 years in prison . Was recently released.
<i>Pentagon Papers (1971) United States</i>	Couldn't accept U.S. foreign policy in Vietnam.	Yes	Narrow – dealt with a specific foreign policy issue.	Big – fueled public debate over U.S. involvement in Vietnam.	Significant – the papers inspired anti-war movements & increased pressure on officials. They also led to a significant supreme court ruling and eventually to Nixon's resignation.	Panic and cover-up attempts.	During the leaks, Ellsberg had support mainly from anti-war movements. Nowadays, he enjoys a positive reputation from the majority of the public.	Lost his job, but did not serve any time in prison.

<p><i>Manning & WikiLeaks (2010)</i> <i>United States</i></p>	<p>Broad concerns with U.S. foreign policy.</p>	<p>No</p>	<p>Wide – hundreds of thousands of classified documents from more than 40 years.</p>	<p>Huge – this was referred to as the 'biggest leak in human history.' U.S. secret intentions were in the public eye.</p>	<p>Somewhat significant – credibility of U.S. diplomats and U.S. war tactics were in the public eye. However, the public outcry was minor, and thus, not real change in the democratization process occurred. Nevertheless, WikiLeaks did build useful infrastructure for future whistleblowers.</p>	<p>Panic – U.S. government tried to block the website, private corporations posed sanctions to cut WikiLeaks' resources, Assange was accused for having blood on his hand. Nonetheless, there is no proof of lost lives due to the leaks.</p>	<p>Bad public image for both Manning & Assange. Manning is considered a traitor by the majority of the public. U.S. officials targeted Assange's image and marginalized his intentions.</p>	<p>Manning was recently sentenced to 35 years in prison. Assange is in an asylum at the Ecuadorian embassy in London.</p>
<p><i>Edward Snowden (2013)</i> <i>United States</i></p>	<p>Couldn't accept the norms within his organization.</p>	<p>Yes</p>	<p>Wide – millions of classified intelligence files.</p>	<p>Huge – the leaked documents have initiated an enormous public debate on media sources in the past year.</p>	<p>Significant – President Obama has initiated a surveillance reform, Internet security has increased, and public debate over oversight and human rights increasingly pressures officials.</p>	<p>Panic – U.S. government revoked Snowden's passport, military officials were concerned, and Snowden was perceived as highly dangerous.</p>	<p>Constantly improving – polls show that the majority of 18-29 years old American support Snowden.</p>	<p>Snowden is in an asylum in Russia, trying to educate the public over issues that were revealed in his leaks.</p>

Table 2 – Comparison of Case-Studies

An analysis of the data suggests interesting observations. First, the purpose of the whistleblowers varies significantly. Certainly, they all wanted the 'truth out there'. But as opposed to recent whistleblowers, past whistleblowers knew exactly what they were doing, and had a clear and focused mission in mind. In the Bus 300 Affair we have witnessed senior Shin Bet members who would not accept the norms in their own organization. Similarly, Daniel Ellsberg was a government employee who viewed the Vietnam War as unjust and wanted it to end. On the contrary, Anat Kamm, Bradley Manning, Assange, and Edward Snowden had broader goals in mind. They wanted to "let the information free", expose how "hypocrite is the U.S. and how dangerous is its hegemony in the world", "stop the IDF from committing war crimes", and "let the public know what was done on its behalf". The different purposes of the whistleblowers also determined the scope of their leaks.

Additionally, all whistleblowers with leaks that turned out to be significant had carefully looked for options to share their concerns within the chain of command. Shin Bet members & Daniel Ellsberg chose whistleblowing as the very last resort. Edward Snowden was arguably doing the same thing. Anat Kamm & Manning however, did not fully utilize their chain of command.

Third, the scope of the leaks became wider over time – at the beginning it was about leaking specific information regarding the assassination of two captives by the Israeli Shin Bet, or the true history of Vietnam – U.S. relations. On the contrary, Anat Kamm, WikiLeaks, and Edward Snowden leaked thousands of documents that relate to a variety of incidents regarding government, intelligence, and military operations. This also speaks to the changes in technology that made broad leaking much easier.

Fourth, besides Anat Kamm's leak, the resonance of all leaks was huge. Once a significant amount of classified information is in the public's sight, the resonance of whistleblowing will always be huge. In Kamm's case, the police was able to put its hands on the classified documents before additional publishing took place. In all other cases, the information was fully exposed. Thus, whistleblowing definitely captures the media and public's attention. These cases demonstrate probably the broadest resonance that an individual can generate, and thus, one of the only possibilities of private citizens to change the course of the history.

Looking at the impacts from the leaks, we can deduce that their significance stems from their scope and initial purpose. In the Shin Bet and Daniel Ellsberg cases the impacts were clear. In both cases the whistleblowers reached their goals and their cases were highly significant to the democracies they are coming from. The impacts from recent leaks are much more difficult to assess. First, since they are broader in scope, and touch upon a variety of issues, they are much more controversial in their nature and tend to be subjective in their impacts. Second, since they are recent, we are yet to identify clear changes that they were able to initiate. However, as we witness from our early case studies, these changes take time.

In all cases of significant exposures, governments usually panic. They tend to publicly accuse the whistleblower and take unreasonable measures to stop the leaking acts. In all cases, governments had put the security risk as a top concern to justify their efforts of eliminating

the leakers - Shin Bet members were struggling to find someone who would hold their colleagues accountable, Ellsberg was defined as the "most dangerous man in America", Kamm was perceived as enemy of the state and spent disproportional time in house arrest, Manning is facing 35 years in prison, Assange is arguably hunted, and the U.S. will do everything it can to eliminate Snowden. Government officials, and in the recent cases, the majority of the public, view these whistleblowers as traitors. However, the bottom line is that in retrospect, none of these cases caused any security risk to the sovereign country. Thus, governments' panic cannot be justified.

This is also the main source for instability in the short run. Whistleblowing takes most of the government's attention, and thus, exposes it to external or internal sources of instability. Kamm's case is an outlier here since the government was able to stop the leaking before the entire set of documents was published in the media. This panic is also a source of severe government corruption, as officials are trying to cover-up their flaws. Shin Bet officials and Israeli Prime Ministers were heavily involved in the cover-up attempts of the Bus 300 Affair. Further, Nixon's corrupted response to the Pentagon Papers eventually led to his resignation.

Additionally, public reputation of the whistleblowers varies significantly. Early whistleblowers are mostly perceived as heroes who had risked their own careers for the sake of the truth and the public's right to know. Recent whistleblowers, partly because of the scope of their leaks, suffer from a bad public reputation. This can reflect on the likelihood of future whistleblowers to step up. Edward Snowden, however, does not follow this pattern, as his public reputation is on the rise among young Americans. Since he is able to freely talk about his actions, the public slowly acknowledges the collective benefit, not just the danger, of his actions.

The distinction between past and recent whistleblowers is also valid when considering their different verdicts. Senior Shin Bet Members had to leave their organization, but were free to start their own private security firm, which became extremely successful. This was partly due to their positive reputation following the affair. Daniel Ellsberg, arguably only due to Nixon's fault, was a free man after the Pentagon Papers, and has become a prominent anti-war activist since. Anat Kamm however, was immediately sent to house arrest, and then to prison. Unless her investigators were not as clumsy, she would not have offered a plea bargain and would have sentenced to life in prison^{lxxiii}. Julian Assange, WikiLeaks founder, is in an asylum at the Ecuadorian embassy in London. He lives in constant fear that he would be turned in to the United States. In addition, Chelsea Manning, the source of Assange's leak, was recently sentenced to 35 years in prison. Finally, Edward Snowden is in an asylum in Russia and desperately tries to legally go back to the United States. Thus, over time, governments are less tolerant in dealing with whistleblowers and are strongly going after them.

From the analysis above we can better understand what makes a leak significant –

1. **Whistleblower's intention** - All whistleblowers have not received any compensation for their actions, and viewed them as a mission for the sake of the public.

Nevertheless, when whistleblowers had a focused intention and a clear target in mind, they were more likely to achieve their desirable outcome.

2. **Chain of command first** - Whistleblowers who carefully look for options to share their concern within their organization, behind closed doors, enjoy a better public reputation, and are more likely to reach their desirable outcome.
3. **Public outcry** - Governments usually respond with an unjustified panic. Instead of focusing on the content of the leaks themselves, government focus is usually on how to remove the whistleblower and which cover-up actions should take place. Thus, public outcry that presses governments to deal with the substance of the leak becomes crucial for its effectiveness. This panic is also the major source for instability in the short run.
4. **Whistleblower's personal record and the ability to 'educate the public'** - Since the resonance of all leaks is huge, media and public attention is guaranteed. Thus, the magnitude of the public outcry, and thus, the effectiveness of the leak are determined by the personal record of the whistleblower, its intentions, and for recent whistleblowers, their ability to educate the public over the leaked information.

Furthermore, when comparing leaks over time, we witness two critical differences:

1. **Scope** - the scope of the leaks is constantly growing. Mostly due to technology, leakers can now easily disclose millions of documents in less than an hour. Ellsberg had to work several weeks to copy one study, Manning copied thousands of document in 20 minutes. This changes the nature of whistleblowing, and flood the public with enormous amounts of information. Thus, the ability of the whistleblower and the participating media sources to guide the public on how to digest the classified information is crucial for the effectiveness of the leak.
2. **Verdict** - the price that whistleblowers have to pay increases over time. Shin Bet Members and Daniel Ellsberg had zero prison time. Kamm, however, spent 3.5 years. Manning was recently sentenced to 35. Assange lives in a sort of a house arrest in the past 3 years, and Snowden has to be in Russia in order to maintain his freedom.

We can now also better understand how the digital age changed whistleblowing for good. The scope of recent leaks has significantly increased, but the ability of governments to stop leaks beforehand increased as well. Thus, recent whistleblowers have to live overseas and tie themselves with a country that would not turn them in. This requires an extra effort that most individuals would not reasonably take. Overall, the digital age allows individuals to influence in ways they couldn't influence before. But it also allows governments to be much more efficient in tracking those individuals before they break the conventional rules.

Finally, comparing whistleblowing acts across democracies, the main difference we can spot between Israel and the United States is the worldwide attention. Since the U.S. is (still) the world's superpower, whistleblowing acts relate to the entire world and draw attention accordingly. Other than that, the nature of the acts, government response, cover-up attempts, scope of leaks in the digital age, and the public outcry from the leaks were all similar.

CONCLUSION

Whistleblowing fundamentally questions core democratic principles and creates a dangerous panic response among senior government officials. This usually leads to a series of events in which the substance of the leak is often neglected, and the public outcry is therefore minor. As a result, the most critical factor in a comprehensive assessment of leaks is the time frame. Just like natural disasters that carry implications long after their occurrence, whistleblowing has long term consequences at the heart of the democratic nations in which it takes place. Whether the nation will be able to absorb these consequences is decided democratically, by the majority of the public. Thus far, the public was pretty reluctant. At the same time, given the never ending democratization process, the mismanagement of state secrets by governments over the years, and the opportunities created from today's digital world, additional major leaks are around the corner. Given the 'whistleblowing infrastructures' that are already in place – anonymity tools, and cooperation with major media sources - we can anticipate the day in which a private citizen would significantly upgrade its own democracy. Edward Snowden thus far, is successfully utilizing these infrastructures and might be the first citizen to do so in the digital age.

We have started with a quote from Thomas Jefferson and will end with a quote from the present President, Barak Obama: "if any individual who objects to government policy can take the law into its own hands and publicly disclose classified information, then we will not be able to keep our people safe or conduct foreign policy." (2014)

Effective whistleblowing? Someday.

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ⁱⁱⁱ Jan Nederveen Pieterse, "Leaking Superpower:WikiLeaks and the contradictions of democracy", p. 1920

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^v Hollyer, Rosendorff, Vreeland, "Democracy and Transparency", p. 1192

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^{viii} Hollyer, Rosendorff, Vreeland, "Democracy and Transparency", p. 1194

^{ix} Roger P. Alford, "Espionage and the First Amendment After WikiLeaks", p. 147

^x Gabriel Schoenfeld, "Necessary Secrets", p. 185

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^{xii} Gabriel Schoenfeld, "Necessary Secrets", p. 266

^{xiii} Daniel Patrick Moynihan, "Secrecy – The American Experience, p. 180

^{xiv} Daniel Patrick Moynihan, "Secrecy – The American Experience, p. 192

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^{xvi} Daniel Patrick Moynihan, "Secrecy – The American Experience, p. 198

^{xvii} Daniel Patrick Moynihan, "Secrecy – The American Experience, p. 199

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^{xx} Russ Castronovo, "State Secrets: Ben Franklin and WikiLeaks", p. 427

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